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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,510	12/20/2001	Dany D. Sylvain	7000-089	4477
27820	7590	03/08/2006		EXAMINER
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

P8

Office Action Summary	Application No.	Applicant(s)	
	10/028,510	SYLVAIN, DANY D.	
	Examiner	Art Unit	
	PHUC H. TRAN	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This communication is in response to the applicant' response filed 12/14/2005. Claims 1-27 are pending in the application. Detailed action is followed:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 9-15, 18-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (U.S. Patent No. 6295293 B1).

- With respect to claims 1, 10, and 19, Tonnby teaches a system (e.g. the system in Fig. 4) comprising: a) an interface adapted to facilitate media communications (e.g. interfaces 29, 30, & 31 in Fig. 4); and

b) a control system associated with the interface and providing a combined user agent, which is adapted to represent a telephone and a computing device as a single multimedia device capable of supporting voice and media sessions (e.g. block 28 in Fig. 4);

communicate with a circuit-switched telephony switch to establish a connection with the telephone through the circuit-switched telephony switch to facilitate a voice session with another voice-capable device (e.g. col. 7, lines 54-64, the telephone and PSTN in Fig. 4); and

communicate with the computing device to establish a media session between the computing device and another media-capable device (e.g. col. 7, lines 34-44, the computer and Internet in Fig. 4),

wherein the combined user agent appears to network devices as a multimedia client supporting voice and media sessions and interacts with the circuit-switched telephony switch as well as the computing device to facilitate the voice and media sessions (e.g. block 24, 28, support voice and data).

- With respect to claims 2, 11, and 20, Tonnby also teaches wherein the combined user agent is further adapted to associate the connection and media session with one another (e.g. Fig. 4).

- With respect to claims 3, 12, and 21, Tonnby further teaches wherein the combined user agent is further adapted to provide information associated with the connection to the computing device for use in an application associated with the media session.

- With respect to claims 4, 13, and 22, Tonnby teaches wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using call signaling messages required to establish and control the connection between the telephone and the voice-capable device (col. 7, lines 32-33).

- With respect to claims 5, 14, and 23, Tonnby discloses wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using a first protocol (col. 4, lines 58-60).

- With respect to claims 6, 15, and 24, Tonnby teaches wherein the combined user agent is further adapted to communicate with the computing device with signaling messages required to establish and control a media session between the computing device and the media-capable device using a second protocol (col. 4, lines 61-62).

- With respect to claims 9, 18, and 27, Tonnby teaches wherein the media session established between the computing device and another media capable device is at least one of the group consisting of video session, screen sharing session, audio streaming, video streaming, information streaming, voicemail, email, gaming, advertising, and instant messaging session (col. 1, lines 5-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent No. 6295293 B1) in view of Schuster et al. (U.S. Patent No. 6822957 B1).

- With respect to claim 7-8, 16-17, and 25-26, Tonnby discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the combined user agent is further adapted to use the session initiation protocol, SIP, when representing the multimedia device to other SIP devices. Schuster teaches SIP for signaling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the session initiation protocol for setup communication in the network.

Response to Arguments

5. Applicant's arguments filed 12/20/2005 have been fully considered but they are not persuasive.

- In response to Applicant's argument that Tonnby's Figure 4 does not correspond to the claim language, that is, the claim requires that the connection be established through the telephony switch to the telephone (page 3, first paragraph). Examiner respectfully disagrees. In col. 7 and 8 that teaches how the connection between the telephone and the PSTN through the telephony server and Fig. 10 also teaches the telephone 5 communicate with PSTN 2. Therefore, the connection between the telephone and PSTN through the switch can be established.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/28/06

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